

To the Commission:

The undersigned is a commenter in these proceedings and has filed numerous comments associated with his opposition to what is referred to as Access BPL throughout the proceedings. I object to the Commission's use of procedure to prevent citizens from knowing the starting time and deadline for filing Petitions for Reconsideration, and observe this is an arbitrary and capricious abuse of power in reprisal for any number of citizen's dislike for Access BPL. I would note that the most filings in opposition to Access BPL comes from natural born people, not corporate interests and lobbying firms - so it would appear the Commission is taking a position of prejudice toward juridical persons and against natural persons; a position of discrimination which violates the U.S. Constitution under the 1st, 5th, 9th, and 10th Amendments, and deprives those states filing comments in these proceedings of their rights under Article IV Section 4 of the U.S. Constitution and the 10th Amendment thereof. I reserve all these rights as those relate to myself. Consequently, I feel the Commission is on thin legal ice and exhort the Commission that it places in jeopardy all it seems to have prejudicially fought so dearly to invent (that being Access BPL) in these proceedings.

Since the date of the Commission meeting adopting its Report and Order on this docket, numerous individuals filed Petitions for Reconsideration before January 7, 2005 anticipating that the Commission would require that extra time, and further, anticipating other parties would desire to file similar Petitions. Given past practice within the Commission, the contentious nature of this proceeding, and the number of parties the Commission could have reasonably foreseen desiring reconsideration, it is only fair, reasonable, and proper for the Commission to extend the time for filing Petitions for Reconsideration to a period retroactive to the day following its final Report and Order to such time after February 7, 2005 as to the Commission seems just and proper. This request waives no legal, substantive, or procedural right the undersigned reserves for assertion and review in a Court of law should this filing be denied.

Respectfully submitted:

/s./ James Edwin Whedbee, M.Ed.
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